

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, and Joseph T. Kelliher.

Automated Power Exchange, Inc.

Docket No. EL03-140-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued March 4, 2004)

1. On November 3, 2003, as supplemented on November 24, 2003, Commission Trial Staff and Automated Power Exchange, Inc. (APX) filed a Settlement Agreement. The Settlement Agreement resolves all issues related to APX that were set for hearing in Docket No. EL03-140-000 in the Commission's Order to Show Cause Concerning Gaming and/or Anomalous Market Behavior.<sup>1</sup>

2. Initial comments were filed by the California Independent System Operator (ISO) on November 24, 2003; the ISO did not object to the Settlement Agreement. No reply comments were filed. On February 9, 2004, as corrected on February 18, 2004, the presiding administrative law judge certified the Settlement Agreement as an uncontested settlement.

3. The Settlement Agreement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

4. This order terminates Docket No. EL03-140-000.

By the Commission. Commissioner Kelly not participating.

( S E A L )

Linda Mitry,  
Acting Secretary.

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<sup>1</sup> American Electric Power Service Corporation, et al., 103 FERC ¶ 61,345 (2003), reh'g denied, 106 FERC ¶ 61,020 (2004).